

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

LEE L. LOPEZ,

Plaintiff,

vs.

MARK JOHNSON and ED LESTER,
both in official capacity,

Defendants.

Cause No. CV 22-32-BU-BMM-JTJ

ORDER

On April 27, 2022, Plaintiff Lee L. Lopez filed this this action under 42 U.S.C. § 1983 alleging violation of his civil rights. On May 16, 2022, the Court explained some deficiencies in Lopez’s pleading and gave him an opportunity to amend his complaint.

The case has languished due to a clerical error in tracking it. The Court extends its apologies to Lopez for the delay.

In the amended complaint, Lopez alleges that he was held in a “dry” ad seg cell that had no sink or toilet. He states that his conditions were not equivalent to those of inmates in general population, because he had “no human contact and no recreation twice a day,” and he was locked down for more than ten hours a day.

See Am. Compl. (Doc. 7) at 5. Lopez lived in ad seg for about 20 days in December 2021 and January 2022 and for about 14 days in January and February 2022. *See id.* at 11, 12 ¶ IV(C).

It is not clear whether Lopez is saying he had no access to drinking water and no ability to relieve himself for more than ten hours in every day while he was in ad seg. If he was able to drink and relieve himself, he must explain how he did so. Additionally, although Lopez says he had “no recreation twice a day,” the phrase does not suggest he had no recreation at all. Lopez must also describe his living conditions in ad seg when he was not on lockdown.

Accordingly, IT IS ORDERED that Lopez must respond to this Order on or before **January 6, 2023**.

DATED this 21st day of December, 2022.



John Johnston
United States Magistrate Judge